

Reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

### **REMARKS**

#### ***Status of the Claims***

Claims 17-29 are currently pending. Claims 17-29 have been rejected.

#### ***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 17, 19-21 and 23-29 under 35 U.S.C. §103(a) as being unpatentable over Zhang (U.S. Pat. No. 6,528,086). Applicant respectfully traverses this rejection.

According to the Examiner, Zhang discloses “methods and formulations for dermal drug delivery on a human body surface comprising less than solid anesthetic formulations and delivery systems that can be applied to the skin or compromised surfaces and subsequently converted to a soft coherent solid state and then peeled off after the anesthetic effect is achieved. (see Abstract); (column 1, lines 9-23). The formulation comprises a topically delivered drug, a conversion agent and a vehicle medium or carrier, wherein the drug is dispersed in the carrier (col. 3, lines 20-22).” See Office Action at page 3, third paragraph. The Examiner then concludes, “given the explicit teachings of Zhang delineated above, the instant invention, when taken as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.” See Office Action at page 5, last paragraph.

In regards to Claim 17, Applicant respectfully asserts that Zhang et al. does not teach a method of treating a skin disorder by applying a film-forming carrier which contains a steroid. Claim 17 is directed to, “A method of treating

immunological skin disorders comprising applying onto an area of skin affected by said skin disorder a fluid, film-forming carrier having contained therein a steroid, and hardening the carrier into a tangible, member juxtaposed to said affected area.” See Claim 1 (emphasis added). In contrast, Zhang et al. discloses a wide variety of useful drugs which may be applied to the skin using the drug delivery method of Zhang et al. Although, Zhang et al. does disclose the use of a corticosteroid as a potential anti-inflammatory agent, Zhang et al. does not specifically disclose the use of a film-forming carrier containing a steroid in a method to treat immunological skin disorders. As such, it is Applicant’s position that one of skill in the art would not know to combine a steroid and film-forming carrier to treat immunological skin disorders without the benefit of Applicant’s Specification. As such, Applicant respectfully asserts that Zhang et al. does not and cannot render claim 17 obvious.

Nevertheless, in the interest of expediting prosecution, Applicant submits herewith a Declaration under 37 C.F.R. § 1.131, showing the preparation and use of Scar Guard in the treatment of skin disorders, such as psoriasis. According to the Declaration, Exhibit A shows the formulation of Scar Guard, which contains a corticosteroid in a film-forming carrier, and Exhibit C shows the testing of Scar Guard on psoriasis, both prior to September 28, 1999, the earliest filing date of Zhang et al. See the Declaration of Joel R. Studin at paragraphs 5-7. In as much as the Applicant has reduced the present invention to practice prior to the effective date of the Zhang et al. reference, Zhang et al. is no longer an effective reference against the invention as claimed.

In regards to claims 19-21 and 23-29, submitted herewith is the Declaration of Joel R. Studin under 37 C.F.R. § 1.131, showing the preparation of Scar Guard prior to September 28, 1999, the earliest priority date of Zhang et al. As Applicant has

mentioned hereinabove, the Declaration shows the formulation and testing of Scar Guard prior to September 28, 1999. See the Declaration of Joel R. Studin at paragraphs 5-7. In as much as the Applicant has reduced the present invention to practice prior to the effective date of the Zhang et al. reference, Zhang et al. is no longer an effective reference against the invention as claimed.

As such, Applicant asserts that the presently claimed invention is not, and cannot be, rendered obvious by Zhang et al. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has rejected claims 18 and 22 under 35 U.S.C. §103(a) as being unpatentable over Zhang (U.S. Pat. No. 6,528,086) in further view of Herb et al. (U.S. Pat. No. 5,534,246). Applicant respectfully traverses this rejection.

Herb et al. also teaches that nonvolatile organic compounds, such as phenyltrimethicone can also be added to the compositions to provide an aesthetic effect of for adjusting the refractive index (col. 12, lines 41-54); (Claims 20 & 35).” See Office Action at page 6, fifth paragraph. The Examiner then concludes “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the dermatitic/psoriatic medications and phenyltrimethicone organic compound as taught by Herb et al. within the delivery formulation of Zhang.” See Office Action at page 6, sixth paragraph.


As mentioned hereinabove, submitted herewith is the Declaration of Joel R. Studin under 37 C.F.R. § 1.131, showing the preparation and testing of Scar Guard prior to September 28, 1999, the earliest priority date of Zhang et al. See the Declaration of Joel R. Studin at paragraphs 5-7. In as much as the Applicant has reduced the present invention to practice prior to the effective date of the Zhang et al.

reference, Zhang et al. is no longer an effective reference against the invention as claimed. Herb et al. does not teach or suggest all the claim limitations of the presently claimed invention. Specifically, Herb et al. does not teach or suggest the use of a topically effective steroid in a film-forming carrier. As such, Herb et al. alone is insufficient to render the presently claimed invention obvious. Applicant asserts that the presently claimed invention is not, and cannot be, rendered obvious by the combination of Zhang et al. and Herb et al.

Reconsideration and withdrawal of this rejection are respectfully requested.

Respectfully submitted,

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Date

  
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